

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Allowable Subject Matter

In the recent office action, the Examiner indicated that claims 3, 4, 8-20, and 23. The Examiner's indication of allowable subject matter is noted with appreciation.

Rejection of claims 1, 2, 5-7, and 22 under 35 U.S.C. § 102(b)

Claims 1, 2, 5-7, and 22 presently stand rejected as anticipated by Wun et al. (U.S. 6,181,490). This rejection is respectfully traversed for the following reasons.

Claims 1-3, 5, 7, 18, and 21 have been amended to eliminate the "means-plus-function" limitation of an "adjusting means," and instead substitute the structural limitation of an "adjuster." It is respectfully submitted that this amendment is a matter of form and style, and is therefore not made in the interest of patentability.

Independent claims 1 and 21 have been amended to recite that each adjuster transmits a force parallel to the plane of the modulator. It is respectfully submitted that claims 1 and 21, as amended, are not anticipated by Wun because Wun fails to disclose a self-locking adjuster that transmits a force parallel to the plane of the modulator. Thus, Wun fails to disclose each and every element as set forth in claims 1 and 21 of the present application. "A claim is anticipated *only if each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." (emphasis added) Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner refers to "nicks 35" in the Wun patent as self-locking adjusting means. However, it appears clear that the nicks 35, defined in adjusting plates 34, are not self-locking adjusting means. Instead, the nicks 35 allow for the insertion of a screwdriver

blade to move the adjusting plate 34 relative to a locking plate 37. With reference to Figs. 3 and 4, it appears that the movement of the adjusting plate 34 is accomplished by engaging the screwdriver blade simultaneously with a nick 35 and with a corresponding nick (not labeled) located in the locking plate. Twisting the screwdriver displaces the nick 35 relative to the associated nick in the locking plate 37.

It follows that the adjusting plate 34 can only be so moved if the adjusting plate 34 is mounted to the locking plate 37 without sufficient force whereby the adjusting plate 34 is “locked” into position against the locking plate 37.

The adjusting plate 34 is held to the locking plate 37 by a plurality of screws 33 and their corresponding nuts 341 (as shown in Fig. 4). If the adjusting plate 34 is held against the locking plate 37 by the screws 33 and nuts 341 with sufficient force that the adjusting plate 34 is locked into position against the locking plate 37, then it would be required that the nuts 341 be loosened prior to employing a nick 35 to adjust the adjusting plate 34. In this case, a nick 35 cannot be said to be a self-locking adjuster because it is the action of the screws 33 and nuts 341, but not the nicks 35, that lock the adjusting plate 34 into position.

If, on the other hand, the adjusting plate 34 is held against the locking plate 37 by the screws 33 and nuts 341 loosely enough that the adjusting plate 34 may be freely moved relative to the locking plate 37, and held in place only by some friction between the plate 34 and the locking plate 37, then the adjusting plate cannot be said to be “locked” to the locking plate 37 by the nicks 35. Therefore, it cannot be said that the nicks 35 constitute a self-locking adjustor because they do not perform a locking function.

Applicants note that, if the adjusting plate 34 is not locked in place by the screws 33 and nuts 341, but is held in place simply by friction, then the adjusting plate 34 is susceptible to shifting in position due to shock or vibrations or the like.

Applicants also note that, in using the nicks 35 to make an adjustment of the adjusting plate 34, movements caused by manipulating a single nick 35 will cause some rotation around the Z-axis rather than a pure translation in only the X or Y axis.

Apart from the nicks 35, the screws 33 and nuts 341 themselves function as an adjusting means to adjust the adjusting plate 34 in the Z-direction, and not in a direction parallel to the light-receiving plate 32. Thus, even assuming, *arguendo*, that the screws 33 and nuts 341 can, themselves, be construed as a self-locking adjusting means (although there is nothing in the Wun specification to suggest that the screws 33 and nuts 341 actually perform a locking, in addition to an adjusting, function), they operate in a direction normal to, and not parallel to, the light-receiving plate 32. Therefore, Wun fails to teach or suggest a *self-locking adjuster* that transmits a force *parallel to the plane of the modulator*, as required by the amended claims 1 and 21 of the present application.

It is respectfully submitted that, for at least these reasons, claim 1 is patentable over the Wun patent cited of record. Furthermore, because claims 2-20 depend from claim 1, claims 2-20 are now patentable over Wun. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 22 has been amended to be an independent claim including the self-locking adjuster that transmits a force parallel to the plane of the modulator. It is respectfully submitted that claim 22, and dependent claim 23, are allowable for the same reasons as claims 1-20.

Rejection of claim 21 under 35 U.S.C. § 103(a)

Claim 21 presently stands rejected as unpatentable over Wun in view of Sedlmayr (U.S. 6,791,752). This rejection is respectfully traversed for the following reasons.

Claim 21 has been amended, as discussed above, to recite “at least one self-locking adjuster arranged to transmit a force parallel to the plane of one of [the] light modulators.” As discussed above, the Wun patent fails to disclose or suggest a self-locking adjuster, and in particular fails to disclose or suggest a *self-locking adjuster* that transmits a force *parallel to the plane of the modulator*, as required by the amended claim 21 of the present application.

Sedlmayer fails to disclose or suggest a *self-locking adjuster* that transmits a force *parallel to the plane of the modulator*, as required by the amended claim 21 of the present

application. Sedlmayer, therefore, fails to overcome the deficiencies of Wun as discussed above. It is respectfully submitted that, because Wun together with Sedlmayr entirely fail to support a prima facie case for obviousness of claim 21, because Wun and Sedlmayr together fail to disclose or suggest each and every limitation of claim 21. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). It is respectfully submitted that claim 21 is allowable over the references applied of record. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-23 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Respectfully submitted,



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